IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO.: 3:05CV112

| CHARLES SAMUEL CLARK, |) | |
|------------------------------|---|--------------|
| |) | |
| Plaintiff, |) | |
| |) | |
| V. |) | ORDER |
| |) | |
| UNITED STATES POSTAL SERVICE |) | |
| and UNITED STATES DEPARTMENT |) | |
| OF JUSTICE, |) | |
| |) | |
| Defendants. |) | |
| |) | |

THIS MATTER is before the Court on a Complaint filed by Plaintiff *pro se*. On April 22, 2005, Defendants filed a Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure seeking dismissal of the Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

It appears that these Defendants may be entitled to a dismissal in this action as a matter of law. Therefore, the Plaintiff is directed to file a response as described below:

TO THE PLAINTIFF, CHARLES SAMUEL CLARK, READ THE FOLLOWING VERY CAREFULLY:

To are to file a <u>brief</u> written argument opposing the Defendants' memorandum supporting the Motion to Dismiss.

Within fourteen (14) days of the date of entry of this Order, Plaintiff must submit the response to Defendants' Motion to Dismiss or request an extension of the deadline.

You are hereby advised that you have fourteen (14) days from the filing of this Order in which to file your response to the Motion to Dismiss. If you fail to respond to this motion, the

Court will proceed to decide the matter. A copy of the response must be served on Defendants and a certificate of service must be filed with the Court showing that a copy has been sent to counsel for the Defendants.

IT IS THEREFORE ORDERED that Plaintiff has fourteen (14) days from the filing of this Order in which to respond to Defendants' Motion to Dismiss.

The Clerk is directed to certify copies of this Order to Plaintiff and counsel for Defendants. The Clerk is specifically directed to send Plaintiff's copy by **certified mail, return** receipt requested.

Signed: June 13, 2005

Graham C. Mullen Chief United States District Judge